

Appl. No. 10/634,585
Amdt. Dated August 26, 2005
Response to Office Action Dated July 29, 2005

REMARKS/ARGUMENTS

Applicants acknowledge receipt of the Office Action dated July 29, 2005. In that action the Examiner entered a restriction requirement as to Group I (claims 1, 3, 6, 9 and 29-31) or Group II (claims 10-26).

With this Response, Applicants withdraw claims 1, 3, 6, 9 and 29-31 (Group I) with traverse in response to the Restriction Requirement and elect claims 10-26 (Group II). Thus, the pending claims are claims 10-26. Reconsideration is respectfully requested.

I. RESTRICTION REQUIREMENT

Applicants hereby elect to prosecute the group designated by the Examiner as Group II (claims 10-26). Applicants respectfully traverse the restriction with respect to the group designated by the Examiner as Group I (claims 1, 3, 6, 9 and 29-31).

The Manual of Patent Examining Procedures (MPEP) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

(MPEP, Section 803 (emphasis added)). Applicants respectfully submit that there will be no serious additional burden on the Examiner to examine the entire application. Examiner has previously examined the entire application at least once, such as in the Office Action dated March 22, 2005. Thus, there is no tenable argument of a serious burden to a further examination of the case.

Applicants further respectfully submit that there is a unity of invention and that the structure is related to the method of using it. Therefore, under the Manual of Patent Examining Procedures (MPEP) section 803, Applicants submit that for this additional reason there would be substantially no serious additional burden upon the office.

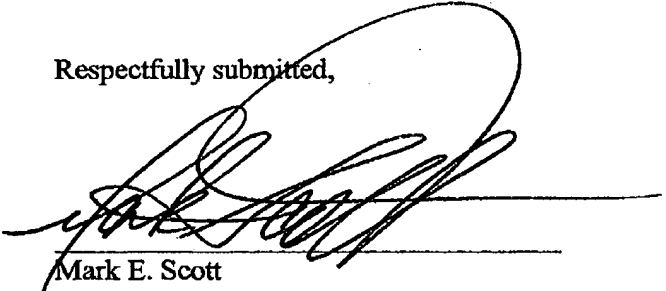
II. CONCLUSION

Applicants respectfully request reconsideration and allowance of the pending claims and a timely Notice of Allowance be issued in this case. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.

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If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark E. Scott', is written over a horizontal line.

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